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Re: US APPL. NO. 10/009,231

1. Response to Restriction Requirement and Amendment

Regards,

Mary Kakefuda

Mary Kakefuda

Attorney Docket No.: 50368PPD

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by facsimile to the United States Patent and Trademark Office on the date shown below to the fax number (703) 872-9306: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mary Kakefuda — Type or print name
Mary Kakefuda — Signature
3/23/04 — Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

SUNER ET AL.

ART UNIT: 1647

EXAMINER: Bridget E. Bunner

APPLICATION NO: 10/009,231

CONFIRMATION NO: 5862

FILED: April 9, 2002

FOR: Undifferentialted Erythroid Cells and Their Use in Ligand Binding Assays

REPLY TO RESTRICTION/ELECTION REQUIREMENT AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction/Election requirement mailed on February 25, 2004, Applicants respond herewith.

AMENDMENTS TO THE CLAIMS:

1. (Currently amended) A method for detecting the interaction of a heterologous protein with an endogenous signalling cascade of an erythroid cell comprising;

conducting an assay to detect said protein interaction-, wherein said ~~The use of an~~ erythroid cell is substantially undifferentiated, but which is capable of expressing a heterologous protein under the control of a globin promoter thereof~~, in an assay in which said protein interets with an endogenous signalling cascade of said cell and said interaction id detected~~.

2. (currently amended) The ~~use~~ method according to claim 1 wherein said erythroid cell is a murine erythroleukaemia (MEL) cell, rat erythroleukaemia cell (REL) or a human erythroleukaemia cell (HEL).

3. (currently amended) The ~~use~~ method according to claim 2 wherein the erythroid cell is a murine erythroleukaemia cell.

4. (currently amended) The ~~use~~ method according to claim 1 wherein the said globin promoter is the β-globin promoter.

5. (currently amended) An erythroid cell which is substantially undifferentiated but which is capable of expressing proteins under the control of a globin promoter thereof at levels which allow the method ~~use~~ in accordance with claim 1.

6. (currently amended) The [[An]] erythroid cell according to claim 5 which comprises a cell as deposited at the European Collection of Cell Cultures under Accession number 99012801.

7. (currently amended) A method of producing [[an]] the erythroid cell according to claim 5 which method comprises maintaining and growing uninduced erythroid cells in culture for a sufficient period of time and isolating a subclone which expresses protein under the control of a globin promoter.

8-25 (canceled)

26. (currently amended) [[A]] The cell according to claim 5 which is transformed with a vector comprising a sequence which encodes a non-mammalian protein receptor under the control of a globin promoter.

27. (currently amended) [[A]] The cell according to claim 5 which has been transformed such that it contains a globin promoter associated with a cloning site ~~and/~~ or reporter cassette containing a reporter gene, such as the β-galactosidase gene, under the control of a response element susceptible to modulation by a signalling cascade used in an assay.

28. (currently amended) [[A]] The cell according to claim 26 which further comprises an enhancer, able to increase expression of a gene placed under the control of said globin promoter and/~~or~~ is at an optimal distance of said reporter cassette such that the expression is dependent on the concentration of a particular downstream component in the signalling cascade.

29. (currently amended) [[A]] The cell according to claim 28 wherein the enhancer is the LCR (Locus Control Region) enhancer.

REMARKS

After entry of this amendment, claims 1-7 and 26-29 are pending. Applicants have canceled claims 8-25 without prejudice and reserve their right to prosecute subject matter of the canceled claims in subsequent applications.

Applicants elect Group I, claims 1-7 and 26-29, without traverse.

Claims 1-5 have been amended to rephrase ~~it~~them in the form of a method claim rather than a "Use" claim as commonly used in the EPO.

Claims 6-7 and 26-29 have been amended to delete the word A or An and replace with the word "the" to be in proper dependent format.

Claim 7 has also been amended to add the word "and" between the words maintaining and growing.

Claims 27 and 28 have been amended to delete the recitation of the phrase "and/or".

Claim 29 has been amended to recite the identification of the abbreviation for LCR. Support is in the specification on page 1, line 7.

However, Applicants reserve their right to Petition from the election requirement under 37 C.F.R. § 1.144.

It is believed that there is no need for an Extension of Time for entry of this paper. However, if it is deemed that any such extension or any other fees are necessary to maintain pendency of this application, then the Office is hereby authorized to charge Deposit Account No.

50-1744 (in the name of Syngenta Biotechnology Inc.) for payment of such fees.

Respectfully submitted,

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